IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE N.V. RAMANA

W.P. No. 25565 OF 2005

Dated : March 31, 2006

Between:

P.Appala Narayana

Petitioner

AND

The Chairman,

Visakhapatnam Port Trust,

Visakhapatnam and two others

Respondents

THE HONOURBALE SRI JUSTICE N.V. RAMANA

W.P. No. 25565 OF 2005

ORAL ORDER:

Seeking to declare the proceeding No. LB-16016/4/98-L-II dated 24.4.2001 by which the Voluntary Retirement Scheme was extended from 31.3.2001 to 30.6.2001 by the second respondent, as illegal and arbitrary, the petitioner filed this writ petition.

The petitioner worked as Accountant in the Respondent Port Trusts and retired from service on 31.3.2001 under Voluntary Retirement Scheme notified in proceedings No. LB-16016/4/98-L-II. It is further averred that in the said proceedings it is categorically mentioned that *Old VRS of 1991 was opened by MPT and a number of workers availed of this scheme and opted for voluntary retirement. All ports are requested to keep this scheme open for the workers and employees till 31.3.2001 and after which the scheme should be closed.* Subsequently, the 2nd respondent issued the impugned proceedings dated 24.4.2001 extending the scheme from 1.4.2001 upto 30.6.2001.

The contention of the petitioner is that if the 2nd respondent was intending to extend the scheme, the proceedings ought to have been issued prior to 31.3.2001 instead of on 24.4.2001, inasmuch as the petitioner would have continued into service till 30.6.2001 and, thus, his seniority and monetary benefits are affected, and therefore, sought permission to postpone the retirement with effect from 30.6.2001 and submitted a representation to that effect, which was neither considered nor rejected by the respondents. Therefore, sought for such a direction.

Admittedly, the petitioner, on his own volition, in response to the notification applied for voluntary retirement, which was accepted with effect from 31.3.2001 and has got benefits under the scheme. The respondents have extended the scheme beyond 31.3.2001 upto 30.6.2001 by the impugned proceedings, which is the domain of the respondents and the petitioner, cannot, however, contend that the impugned proceedings ought to have been issued prior to 31.3.2001. Therefore, I am of the considered view that the scheme cannot be

declared as illegal merely on the ground that the extension of the scheme did not benefit the petitioner monetarily, more particularly when he has opted for the retirement on his own. It is nobody's case that in the scheme under which the petitioner retired voluntarily, it was notified to be the last Voluntary Retirement Scheme, and no extension thereof would be given after a particular cut off date. In such circumstances, the extension of scheme, by no stretch of imagination can be said to be illegal. Consequently, the writ petition should fail and is accordingly dismissed. No order as to costs.

N.V.RAMANA, J.

March 31, 2006

MAS.